IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 854 of 1999()

MC.17/1996 ON THE FILE OF THE SUB DIVISIONAL MAGISTRATE, KOTTAYAM

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REVN. PETITIONERS/COUNTER PETITIONERS B PARTY

1. RAJAPPAN PILLAI, AKKOTTU VEEDU,
   VADAKARA, MANIMALA.

2. KARTHIYANIAMMA, AKKOOTTU VEEDU,
   VADAKARA, MANIMALA.

BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.B.S.SWATHY KUMAR

RESPONDENTS/PETITIONER A PARTY & STATE OF KERALA

1. P.K.REGHUNATHAN NAIR,
   VADIKANAKUZHIYIL, MANIMALA P.O.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
R2 BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.854 of 1999

Dated, this the 6th day of December, 2006

ORDER

V.K.Bali,C.J.(Oral)

After arguing for some time, learned counsel for the petitioners says that this revision may be dismissed as withdrawn as the petitioners would rather choose to agitate the matter before the civil court. Counsel so states as the civil court findings would have a precedent over a finding or order passed by the Sub Divisional Magistrate in proceedings under Section 133 of the Code of Criminal Procedure. With leave and liberty as asked for, this revision petition is dismissed as withdrawn. It is, however, made clear that if a civil suit is filed, decision in the civil suit shall be binding upon the parties.

V.K. BALI,
CHIEF JUSTICE.

vns